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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/679,797

10/06/2003

Dijia Huang

MSE #2665

3709

71331 7590 09/16/2009

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EXAMINER

REYES, REGINALD R

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

09/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/679,797	Applicant(s) HUANG, DIJIA	
	Examiner REGINALD REYES	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8, 9 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-9 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1-3, 8-9 and 15-18 have been examined and are addressed below.
2. The IDS had been received and reviewed.

Response to Amendments/Arguments

3. The objection of claim 15 is withdrawn in light of Applicant's amendment of the claim.

With respect to claim 1 and 15, Applicant argue that Goodman doesn't teach the processor device being handheld computer device, a handheld personal data assistance or a handheld cell phone, However, the examiner respectfully disagree. Per Goodman column 4 lines 23-25, Goodman teaches a portable device suitable in shape and size to be carried in the pocket, purse or briefcase of a patient which is the size of a handheld device. The Applicant further argues that the data processor that is adapted to accept information is not a handheld computer device, a handheld personal data assistant, or a handheld cell phone that receives and processes a plurality of patient records and then generate a report and includes a fax driver coupled thereto for sending said generated report via a telephone network to a physician's office. Examiner respectfully disagree, Goodman teaches Goodman teaches a portable device suitable in shape and size to be carried in the pocket, purse or briefcase of a patient which is the size of a handheld device as shown in column 4 lines 23-25. Furthermore, Applicant

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argues that Goodman doesn't teach a fax driver coupled to said processor device for sending said generated report via a telephone network to a physician's office. Examiner respectfully disagree, as the Applicant pointed out Goodman teaches the host computer collecting the information and generate and maintain record pertaining to a patient's health and transmit information healthcare provider via telephone, facsimile transmission, electronic mail or other communication means (column 7, lines 66-column 8, lines 1-5). Facsimile transmission is the same as fax driver via telephone network. Applicant further argues that Wah is not directed to clinical analyzers, so it is not clear why one of ordinary skill in the art would even look to the disclosure of Wah (regardless of its definition of computer). However, per KSR INTERNATIONAL CO., PETITIONER v. TELEFLEX INC. ET AL. "Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or no obviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." Id., at 17-18. So one of ordinary skill in the art would have found it obvious to combine the clinical analyzer system taught by Goodman with the variety of computer devices taught by Wah to provide mobility to the user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (U.S. 5,827,180) in view of Wah et al (U.S. 6,754,203).

5. Referring to Claim 1 and 15, Goodman teaches a clinical analyzer system for implementing data management to aid analysis and treatment comprising:
a biosensor for receiving and processing a user sample, said biosensor including memory means for storing a plurality of patient records including predefined parameter data values (see for example Goodman column 7 lines 34-45);
a processor device coupled to said biosensor for receiving and processing said plurality of patient records, and generating a report (see for example Goodman column 4 lines 18-22 and column 7 lines 51-59); a fax driver coupled to said processor device for sending said generated report via a telephone network to a physician's office receiving said generating report (for example Goodman column 7 lines 66-67 and column 8 lines 1-5). Goodman does not teach the processor device being a handheld computer device, a handheld personal data assistant, or a handheld cell phone. However Wah teaches a computer referring to any device capable of executing instructions with examples including but not limited to desktop computers, servers, portable computer devices, portable processor based communication devices such a cellular phones and

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or a PDA (see for example Wah column 10 lines 15-25). One of ordinary skill in the art at the time of invention would have found it obvious to combine the clinical analyzer system taught by Goodman with the variety of computer devices taught by Wah with the motivation to combine portability in generating the reports for a more accurate and timely processing.

6. Referring to claim 2 and 16, Goodman in view of Wah teaches the clinical analyzer system as recited in claim 1 (as described above). Wah teaches wherein said processor device is a handheld computer device (see for example Wah column 10 lines 15-25).

7. Referring to claim 3 and 17 Goodman in view of Wah teaches the clinical analyzer system of claim 1 (as described above). Wah teaches wherein said handheld computer device is a handheld personal data assistant (see for example Wah column 10 lines 15-25).

8. Referring to claim 9 and 18 Goodman in view of Wah teaches the clinical analyzer system of claim 1 (as described above). Wah teaches wherein said processor device is a handheld cell phone (see for example Wah column 10 lines 15-25).

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9. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (U.S. 5,827,180) in view of Wah et al (U.S. 6,754,203) and Kahn et al (U.S. 5,251,126).

10. With respect to claim 8 Goodman in view of Wah teaches the clinical analyzer system of claim 1 (as described above). Goodman in view of Wah does not teach wherein said processor device includes diabetes data interpretation that uses a combination of symbolic and numerical methods to analyze the plurality of patient records and generate said report. Kahn teaches wherein said processor device includes diabetes data interpretation that uses a combination of symbolic and numerical methods to analyze the plurality of patient records and generate said report (see for example Kahn column 6 line 37-41 and Figs. 8-12 and column 12 lines 19-32). It would have been obvious to one of ordinary skill in the art to generate a report using a combination of symbolic and numerical methods to analyze the patient records as taught by Kahn with the clinical analyzer taught by Goodman and Wah with the motivation of generating reports based on methods available to the user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,246,966 teaches a method and apparatus for data management authentication in a clinical analyzer.

U.S. Patent No. 6,167,290 teaches method and apparatus of non-invasive measurement of human/animal blood glucose and other metabolites.

U.S. Patent No. 4,995,402 teaches medical droplet whole blood and like monitoring.

U.S. Patent No. 6,690,173 teaches wireless video audio data remote system.

U.S. Patent No. 6,859,908 teaches automated text entry for processor based system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD REYES whose telephone number is (571)270-5212. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6670. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. R./
Examiner, Art Unit 3626

/Robert Morgan/
Primary Examiner, Art Unit 3626